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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,988	11/20/2003	Simon B. Dobson	60130-1967; 01MRA0218	8143
26096	7590	04/05/2006	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			STRIMBU, GREGORY J	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/717,988	Applicant(s) DOBSON ET AL.	
	Examiner Gregory J. Strimbu	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005 and 07 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 15-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/15/04 + 7/18/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicant's election without traverse of Group I in the reply filed on November 28, 2005 is acknowledged. Accordingly, claims 15-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on November 28, 2005.

Information Disclosure Statement

The information disclosure statement filed March 15, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information relating to the United Kingdom search report of January 20, 2003 has not been considered since no copy thereof has been provided.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the third semi-rigid tube on the third cable run and the fourth semi-rigid tube on the fourth cable run must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because the method of assembling the window regulator assembly are not specifically set forth. Correction is required. See MPEP § 608.01(b).

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the applicant amend the title to include the method.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatsumi et al. Tatsumi et al. discloses a window regulator cable assembly comprising a cable drum wheel (not numbered, but shown as a part of the drive unit 25), a first top pulley wheel 27 and a first bottom pulley wheel 33 in a spaced apart relationship forming a subassembly; a cable arrangement to provide a cable run 19 between each of the cable drum wheel, the first top pulley wheel and the first bottom pulley wheel, wherein at least one of the cable drum wheel, the first top pulley wheel and the first bottom pulley wheel is spaced from another of the cable drum wheel, the first top pulley wheel and the first bottom pulley wheel by at least one semi-rigid tube 37 that surrounds at least one of the cable runs 19, and the at least one semi-rigid tube is subject to an axial load to maintain tension in the cable arrangement; and the subassembly is mounted on a rigid frame 1 to remove the axial load from the at least one semi-rigid tube.

Although Tatsumi et al. fails to specifically disclose the method steps set forth in claims 1, 2 and 6, the assembly of the apparatus, as taught by Tatsumi et al., would inherently lead to the method steps set forth in claims 1, 2 and 6. See paragraph 41.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatsumi et al. as applied to claims 1, 2, 6 and 12 above, and further in view of Blankenburg et al. Blankenburg et al. discloses a window regulator comprising a cable 5 covered by a tube 8 comprising polyethylene.

It would have been obvious to one of ordinary skill in the art to provide Tatsumi et al. with a polyethylene construction, as taught by Blankenburg et al., to increase the ease with which the window regulator can be assembled to the vehicle door. See column 3, lines 51-58.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tatsumi et al. as applied to claims 1, 2, 6 and 12 above, and further in view of Colanzi. Colanzi discloses a window regulator comprising a cable 16 surrounded by a tube 15 comprising a slot 29.

It would have been obvious to one of ordinary skill in the art to provide Tatsumi et al., with a drive system, as taught by Colanzi, to enable the window regulator to be mounted to different vehicles.

Claims 1 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handte et al. in view of Tatsumi et al. Handte et al. discloses a window regulator cable assembly comprising a cable drum wheel (not numbered, but shown in figure 1), a first top pulley wheel 16 and a first bottom pulley wheel 17 in a spaced apart relationship forming a subassembly; a cable arrangement to provide a cable run 15 between each of

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the cable drum wheel, the first top pulley wheel and the first bottom pulley wheel, wherein at least one of the cable drum wheel, the first top pulley wheel and the first bottom pulley wheel is spaced from another of the cable drum wheel, the first top pulley wheel and the first bottom pulley wheel, a first top pivot (not numbered, but shown in figure 1) and a first bottom pivot (not numbered, but shown in figure 1) mounted on a first rigid member 12, a second top pulley wheel 16, a second bottom pulley wheel 17, a second top pivot (not numbered, but shown in figure 2), a second bottom pivot (not numbered, but shown in figure 1), a second rigid member 11. Handte et al. is silent concerning a tube.

However, Tatsumi et al. discloses a window regulator assembly comprising a semi-rigid tube 37 that surrounds a cable run 19 and that is subject to an axial load to maintain tension in the cable arrangement; and the subassembly is mounted on a rigid frame 1 to remove the axial load from the at least one semi-rigid tube.

It would have been obvious to one of ordinary skill in the art to provide Handte et al. with semi-rigid tubes, as taught by Tatsumi et al., to improve the assembly workability of the window regulator cable assembly. See paragraph 41 of Tatsumi et al.

Although Handte et al., as modified above, fails to specifically disclose the method steps set forth in claims 1 and 8-11, the assembly of the apparatus, as taught by Handte et al., as modified above, would inherently lead to the method steps set forth in claims 1 and 8-11.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tatsumi et al. as applied to claims 1, 2, 6 and 12 above, and further in view of Heckel et al. Heckel et al., in figure 3, discloses a cable tensioning system having a resiliently mounted deflector 16 on a portion of one of the cable runs to deflect said portion laterally and to increase the effective length of the one of the cable runs.

It would have been obvious to one of ordinary skill in the art to provide Tatsumi et al. with a cable tensioner, as taught by Heckel et al., to ensure that the cable is properly tensioned.

Although Tatsumi et al., as modified above, fails to specifically disclose the method steps set forth in claim 13, the assembly of the apparatus, as taught by Tatsumi et al., as modified above, would inherently lead to the method steps set forth in claim 13.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tatsumi et al. as applied to claims 1, 2, 6 and 12 above, and further in view of Marscholl et al. Marscholl et al. discloses at least one cable 3 defining a longitudinal direction and having an end 3a mounted in a cable end housing 1, and the end is biased in the longitudinal direction by a resilient member 5 to shorten an effective length of the at least one cable to tension the cable arrangement.

It would have been obvious to one of ordinary skill in the art to provide Tatsumi et al. with a cable tensioner, as taught by Marscholl et al., to ensure that the cable is properly tensioned.

Although Tatsumi et al., as modified above, fails to specifically disclose the method steps set forth in claim 14, the assembly of the apparatus, as taught by Tatsumi et al., as modified above, would inherently lead to the method steps set forth in claim 14.

Allowable Subject Matter

Claim 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, absent applicant's own disclosure, fails to teach the entire combination of elements set forth in the claimed invention. Specifically, the prior art of record fails to teach the step of removing the at least one semi-rigid tube after the step of mounting the subassembly on the rigid frame. See lines 2-3 of claim 3.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Arquevaux et al., Chen, Ward, Komatsu et al., Brusasco, and Uchimura et al. are cited for disclosing a window regulator comprising a semi-rigid tube.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-

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272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", is written over the printed name and title.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
March 30, 2006